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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,118

01/28/2004

David S. Comay

15437-0583

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45657

7590

10/21/2008

HICKMAN PALERMO TRUONG & BECKER, LLP  
AND SUN MICROSYSTEMS, INC.

2055 GATEWAY PLACE

SUITE 550

SAN JOSE, CA 95110-1089

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

10/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/767,118	<b>Applicant(s)</b> COMAY ET AL.	
	<b>Examiner</b> Cheryl Lewis	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 19, 37 and 49 is/are rejected.
- 7) ☒ Claim(s) 2-18, 20-36, 38-48 and 50-54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/8/08; 7/16/08; 4/23/08; 9/18/08; 7/23/07; 7/19/07;</u>      | 6) <input type="checkbox"/> Other: _____                          |
| <u>9/22/06; 4/27/06; 1/10/06; 9/30/05; 9/6/05; 11/29/04; 10/4/04; &amp; 5/21/04.</u>   |   |



## DETAILED ACTION

1. Claims 1-54 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 19, 37, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Chtchetkine et al., (Patent No. 6,356,915 B1 filed February 22, 1999, hereinafter Chtchekine).

4. Regarding Claims 1, 19, 37, and 49, Chtchekine teaches installable file system having virtual file system drive, virtual device driver, and virtual disks.

The method and associated system for installable file system having virtual file system drive, virtual device driver, and virtual disks as taught or suggested by Chtchekine includes:

creating (col. 12, lines 28-34) within a global operating system environment provided by an operating system a first non-global partition which serves to isolate processes running within that partition from other non-global partitions within the global operating system (col. 7, lines 17-35 and 61-67, col. 8, lines 27-46, col. 13, lines 34-55); and establishing a first file system for the first non-global partition (col. 7, lines 17-35 and 61-

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67, col. 8, lines 27-46, col. 13, lines 34-55), wherein the first file system cannot be accessed by processes running in any non-global partition other than the first non-global partition (col. 7, lines 17-35 and 61-67, col. 8, lines 27-46, col. 13, lines 34-55), and wherein the first file system comprises at least one virtual directory (col. 7, lines 17-35 and 61-67, col. 8, lines 27-46, col. 13, lines 34-55), which has associated therewith a reference to another particular file system directory (col. 7, lines 17-35 and 61-67, col. 8, lines 27-46, col. 13, lines 34-55).

***Allowable Subject Matter***

5. Claims 2-18, 20-36, 38-48, and 50-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***NAME OF CONTACT***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for “INFORMAL” or “DRAFT” communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/  
Primary Examiner, A.U. 2167  
September 30, 2008